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E.O. 12356: N/A

TAGS: PREL, PHUM, AF, RW

SUBJECT: DEMARCHE FOR INTERNATIONAL TRIBUNAL IN RWANDA

REF: (A) GENEVA 7233, (B) STATE 221084

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ARCHIE M BOLSTER
DATE/CASE ID: 18 MAR 2004 200303979

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1. UNCLASSIFIED--ENTIRE TEXT
2. THIS IS AN ACTION MESSAGE. SEE PARAGRAPH 7 BELOW. THIS CABLE IS BEING SENT BY FAX TO AMEMBASSY KIGALI FOR ACTION.
3. THE COMMISSION OF EXPERTS APPOINTED TO INVESTIGATE GENOCIDE AND CRIMES AGAINST HUMANITY IN RWANDA IS IN GENEVA AND WILL SOON TRAVEL TO RWANDA FOR THREE WEEKS. REFTEL A REPORTED AMBASSADOR SPEIGEL'S AND DEPUTY LEGAL ADVISER MATHESON'S MEETING WITH THE COMMISSION OF EXPERTS. COMMISSION CHAIRMAN AMEGA WAS NOT SPECIFIC AS TO TIMING AND CONTENT OF AN INTERIM REPORT.
4. THE DEPARTMENT PLACES THE HIGHEST PRIORITY ON PROMPT ESTABLISHMENT OF AN INTERNATIONAL WAR CRIMES TRIBUNAL FOR RWANDA. SEE REFTEL B.
5. SINCE THE SPECIAL RAPPORTEUR HAS ALREADY REPORTED CONCLUSIVE EVIDENCE THAT GENOCIDE AND OTHER CRIMES AGAINST HUMANITY WERE COMMITTED IN RWANDA, WE EXPECT THAT THE COMMISSION WILL PROMPTLY ISSUE AN INTERIM REPORT THAT RECOMMENDS ESTABLISHMENT OF AN INTERNATIONAL TRIBUNAL.

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THE FOCUS OF THE COMMISSION'S WORK SHOULD NOT BE ON REDOING THE WORK ALREADY DONE BY THE SPECIAL RAPPORTEUR. AN INTERNATIONAL TRIBUNAL CAN AVOID THE PROBLEMS OF PERCEIVED BIAS, UNFAIRNESS, AND ETHNIC REVENGE.

6. OUR GOAL IS TO GET THE INTERNATIONAL TRIBUNAL ESTABLISHED NO LATER THAN MID-SEPTEMBER. THE COMMISSION OF EXPERTS CAN FACILITATE THE CREATION OF A TRIBUNAL IF THEY ISSUE AN INTERIM REPORT AS SOON AS POSSIBLE DURING THEIR TRIP TO RWANDA.
7. POST IS REQUESTED TO SEEK A MEETING WITH THE COMMISSION OF EXPERTS AS SOON AS THEY ARRIVE IN RWANDA. PLEASE UNDERLINE THE URGENCY FELT BY THE USG AND THE GOVERNMENT OF RWANDA THAT AN INTERNATIONAL TRIBUNAL SHOULD BE ESTABLISHED IMMEDIATELY. TALKING POINTS FOLLOW:
8. BEGIN TALKING POINTS:

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--WELCOME TO KIGALI. YOUR MISSION HERE IS OF THE HIGHEST IMPORTANCE TO THE FUTURE OF RWANDA AND TO THE PROMOTION OF THE RULE OF LAW HERE.

--THE GOVERNMENT OF RWANDA HAS INFORMED THE UN SECRETARY GENERAL THAT IT STRONGLY SUPPORTS THE ESTABLISHMENT OF AN INTERNATIONAL TRIBUNAL TO TRY THOSE ACCUSED OF GENOCIDE, INTERNATIONAL HUMANITARIAN LAW, AND OTHER CRIMES AGAINST HUMANITY IN RWANDA. WE UNDERSTAND THE SECRETARY-GENERAL AGREES WITH THIS APPROACH.

--WE BELIEVE IT IS IMPORTANT TO PROMPTLY ESTABLISH AN
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INTERNATIONAL TRIBUNAL. AN INTERNATIONAL TRIBUNAL WILL BE PERCEIVED BY RWANDANS AS IMPARTIAL, FAIR, AND UNTAINTED BY MOTIVES OF ETHNIC REVENGE.

--THE WORLD AWAITS YOUR CONCLUSIONS ON WHAT CRIMES HAVE BEEN COMMITTED IN RWANDA. WE HOPE YOU WILL RECOMMEND THAT AN INTERNATIONAL TRIBUNAL SHOULD BE ESTABLISHED TO INDICT, DETAIN, AND TRY THOSE WHO COMMITTED ATROCITIES IN RWANDA.

--HOWEVER, IF A TRIBUNAL IS TO BE ESTABLISHED, ITS CREATION MUST NOT BE DELAYED UNTIL YOUR FINAL REPORT.

DELAY IN ESTABLISHMENT OF A TRIBUNAL MAY LEAD TO SUMMARY EXECUTIONS AND A NEW ROUND OF ATROCITIES COMMITTED BY THOSE OUTRAGED AT THE SLOWNESS OF THE PROCESS OF JUSTICE. THE GOVERNMENT OF RWANDA HAS WARNED THAT IT CANNOT WAIT AS LONG AS THE UN HAS TAKEN TO ESTABLISH AN INTERNATIONAL WAR CRIMES TRIBUNAL FOR THE FORMER YUGOSLAVIA.

--WE THEREFORE URGE YOU TO ISSUE AN INTERIM REPORT RECOMMENDING THE ESTABLISHMENT OF AN INTERNATIONAL TRIBUNAL AS SOON AS POSSIBLE. WE HOPE YOU CAN ISSUE THIS REPORT EARLY IN YOUR VISIT TO RWANDA.

--PLEASE LET US KNOW HOW WE CAN HELP YOU IN YOUR WORK. YOUR WORK IS OF THE HIGHEST PRIORITY TO US AND TO THE WORLD. WE WILL DO EVERYTHING WE CAN TO HELP YOU.

END TALKING POINTS.

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8. FOR USUN: YOU SHOULD SUPPORT THIS EFFORT TO GET AN
EARLY INTERIM REPORT FROM THE COMMISSION BY MAKING SIMILAR
POINTS AT AN APPROPRIATE HIGH LEVEL IN THE SECRETARIAT.

9. FOR USMISSION GENEVA: IF YOU HAVE AN OPPORTUNITY TO
MEET AGAIN WITH THE COMMISSION OF EXPERTS BEFORE THEIR
DEPARTURE FOR RWANDA, PLEASE MAKE THE ABOVE POINTS AS A
FOLLOWUP TO YOUR MEETING DESCRIBED IN REFTEL A .

10. PLEASE SLUG RESPONSES FOR IO/UNP:GH STANTON, L/EX:
CRYSTAL NIX, USUN/W: DSCHOFFER, L/UNA EVAN BLOOM, AND
DRL:MIRTA ALVAREZ. TALBOTT

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